IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5286 OF 2005

Shri Shashikant Raut : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

...

Mr.A.P.Steenson for the petitioner.

Mr.Milind More for the respondent nos.2 and 3.

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CORAM : S.A. BOBDE, J.

August 17, 2005.

P.C.:

1. The petitioner, who is a surety, has challenged the order dated 19.5.2005 dismissing his revision application against the order under section 101 of the Maharashtra Co-operative Societies Act, 1960, hereinafter referred to as the "Act", on the ground that the petitioner has not deposited 50% of the recoverable dues with the respondent-Bank.

2. The learned counsel for the petitioner urged that the petitioner is a surety and, therefore, ought not to have been required to deposit the said amount. There is no

merit in this submission. Section 154(2A) of the Act is held to be mandatory.

3. Accordingly, the petition is dismissed.

S.A. BOBDE, J.